

Course Outline

COURSE:	LAWS 3903 A – Topic: Canadian Correctional Policies in Historical Perspective
TERM:	Fall 2010
PREREQUISITES:	Third Year Standing
CLASS:	Day & Time: Friday – 11:35 am - 2:25 pm Room: Please check with Carleton Central for current room location
INSTRUCTOR:	Professor Maeve W. McMahon, B.Soc.Sc., M.A. (Criminology), Ph.D. (Sociology)
CONTACT:	Office: D586 LA (Loeb) (Assignments and mail should be addressed to C473 Loeb) Office Hrs: Monday & Friday - 3:15 - 4:30 pm (Also often available immediately <i>after class</i>) Telephone: 613-520-2600 x 8095 Email: Maeve McMahon@carleton.ca

"Students with disabilities requiring academic accommodations in this course must contact a coordinator at the Paul Menton Centre for Students with Disabilities to complete the necessary Letters of Accommodation. After registering with the PMC, make an appointment to meet and discuss your needs with me in order to make the necessary arrangements as early in the term as possible, but no later than two weeks before the first assignment is due or the first test requiring accommodations. For further information, please see: <http://www2.carleton.ca/equity/accommodation>. If you require accommodation for your formally scheduled exam(s) in this course, please submit your request for accommodation to PMC by **November 15, 2010 for Fall exams and March 11, 2010 for Winter exams**. For Religious and Pregnancy accommodations, please contact Equity Services, x. 5622 or their website: www.carleton.ca/equity

COURSE OBJECTIVES AND CONTENT:

This course will examine Canadian corrections in historical perspective. While our primary focus will be on developments in Ontario during the decades following World War II, we shall also be examining the international evolution of Western penal systems during the nineteenth century (as affected by Enlightenment thought and the French Revolution). We shall further examine recent rates of imprisonment internationally, and how Canadian rates of imprisonment compare to those in other parts of the world.

The major development in Ontario and Canadian corrections during the post-war (II) period was the expansion of alternatives to prison from the late 1950s through to the 1970s (e.g. probation, parole, ½-way houses, and community service orders). We shall analytically examine related developments in the context of critical criminological debates about the alleged phenomenon of 'net-widening'.

In addition to examining issues of imprisonment and alternatives, we will also address select topics with respect to correctional policies and experiences. These topics will include reflections on the revival of privatization in corrections in recent decades; on issues concerning mandatory minimum sentences; and on the situation of women in corrections, both as workers and as offenders.

The course objectives include facilitating students in better understanding, analysing and explaining historical developments in imprisonment and other forms of punishment, and especially from the latter half of the twentieth century. In particular, an objective is to facilitate students in identifying the variety of complex social, economic and political dynamics that have had an impact on evolving systems of punishment both locally and internationally. Another objective is to facilitate students in bringing an analytical eye to literatures concerning corrections - including academic, government, journalistic and reformist sources. In accordance with all of this, an objective is to familiarize students with important theoretical perspectives (e.g. the ideas of Michel Foucault, and of David Rothman) on the historical evolution of imprisonment, and of alternatives to prison, in the western world.

To facilitate student learning, we shall be making use of the Internet and exploring relevant web-sites. Relevant sites include the homepage of the Canadian Association of Elizabeth Fry Societies (CAEFS) and of the John Howard Society of Canada (both accessible via 'google'). Other relevant websites in getting started include those of the organization Prison Privatization International, and of the Journal of Prisoners on Prisons.

REQUIRED READINGS

1. **The Persistent Prison? Rethinking Decarceration and Penal Reform** by Maeve McMahon. Toronto: University of Toronto Press. 1992. This will be available at the Carleton University Bookstore. Please note that we will not be using the book for the first few weeks of class, so if there is a delay in the University of Toronto Press getting the book to the bookstore that will not be a problem.
2. **'Canadian Correctional Policies in Historical Perspective'**, a course-pack compiled by Maeve McMahon, and available at the Carleton University Bookstore. Items in the course-pack are also available on reserve at the MacOdrum library
3. Students will be encouraged to consult relevant media sources including work by Dan Gardner and Jake Rupert of the *Ottawa Citizen*, and the socio-legal work of CBC journalists including Maureen Brosnahan, Rosie (Robert) Rowbotham, and David Cayley.

EVALUATION PROCEDURES – All components must be completed in order to pass this course

- 1 **Attendance** **6%** Class attendance is mandatory.
- 2 A **final examination** of 2 hours duration during the formal examination period (December 9-22, Saturdays included). Closed book. **[50% of final mark]**. The examination will consist of multiple choice (20%), short answers (20%), and an essay (10%). Students will be given detailed directions concerning preparations for the exam during the last weeks of the course.
- 3 An **essay** [10-12 pages maximum], typed, double-spaced, 12 font (Times New Roman), plus title page, table of contents, endnotes and bibliography due on **Wednesday October 13 at 2pm [44% of final mark]**. This assignment should be deposited in the essay 'drop box' at C473 Loeb. Students will be presented with a list of potential essay topics to choose from. Students also have the option of choosing an alternative topic with the proviso that it is relevant to the materials covered in the course, and also subject to approval of the topic by the Instructor. It is expected that, as well as drawing from materials used in the course, students will locate additional relevant sources.

*Mark deductions will be applied for papers that are late without permission **or exceed the page limit**. Late assignments will be marked down by the equivalent of one half grade for each day that they are late. A medical certificate will be required to support any request for an extension. A hard copy of the essay must be submitted. They will not be accepted by e-mail.*

ALWAYS KEEP A HARD COPY OF YOUR ASSIGNMENTS.

Your paper will:

- Clearly identify the correctional phenomena, the historical period and questions or arguments that you will address;
- Explain why historical analysis is an appropriate methodology;
- Provide clear supporting evidence for the historical analysis you present (acknowledging limitations of the historical record as appropriate);
- Explain how historical data and analysis have deepened your understanding of the phenomena examined by you.

In addition to this course outline, a detailed schedule of individual class topics, and associated readings, will be available for students.

PLEASE CHECK OUT THE READINGS THAT I HAVE PUT ON RESERVE AT THE LIBRARY FOR THIS COURSE. THEY WILL BE USEFUL FOR YOU IN CHOOSING AND RESEARCHING PAPER TOPICS.

PLEASE NOTE THAT FRIDAY OCTOBER 8 IS UNIVERSITY DAY AND THERE WILL BE NO CLASS.

**SELECTED LEGAL TOPICS:
CANADIAN CORRECTIONAL POLICIES IN HISTORICAL PERSPECTIVE**

Professor Maeve McMahon, Department of Law, Carleton University

Course Schedule and Readings

1. **Sep 10** **ORIENTATION AND INTRODUCTION:**
Course overview and objectives; discussion of assignments and preparation procedures; discussion of course readings and how they should be used; discussion of availability of additional readings (on reserve at the library); preliminary identification of relevant websites; discussion of student interests, hopes, and expectations.

2. **Sep 17** **VISITING GUEST SPEAKER: KIM PATE, EXECUTIVE DIRECTOR, CAEFS
(Canadian Association of Elizabeth Fry Societies)**
Objectives:
 - to illustrate and explain the situation of female offenders in Canada since the early 1990s
 - to address some of the reforms that have taken place concerning female offenders over the past few decades
 - to illuminate current issues for female offenders
Readings: “Assisting Female Offenders: Art or Science?” (pp. 279-328) by Maeve W. McMahon in Maeve W. McMahon (Editor) **Assessment to Assistance: Programs for Women in Community Corrections**. Lanham, MD: American Correctional Association, 2000. This reading is contained in the coursepack. It is also available on reserve at the library. It can additionally be accessed through the website www.MaeveMcMahon.com (Academic Portfolio).

Submission of the Canadian Association of Elizabeth Fry Societies to the United Nations Human Rights Committee. Examining Canada’s 5th Report Regarding the International Covenant on Civil and Political Rights. Ottawa, September 2005. Available at www.elizabethfrysociety.ca, and also on reserve at the library. Note: This reading is optional, but students should generally consult the CAEFS (Canadian Association of Elizabeth Fry Societies) website.

3. **Sep 24** **The class will commence with a 40 minute discussion of the essay assignment and relevant sources**

AN OVERVIEW OF THE CANADIAN CORRECTIONAL SYSTEM, AND IT’S HISTORY
Objectives:
 - to examine the nature of punishment in early Canada
 - to identify and discuss factors leading to the emergence of imprisonment as a form of punishment
 - to introduce the contemporary organization of corrections in Canada
Reading: “The Structure and Operation of Canadian Corrections,” pp. 459-494 in Curt T. Griffiths and Simon N. Verdun-Jones **Canadian Criminal Justice**. Second edition. Toronto: Harcourt Brace and Company. 1994.

4. **Oct 1** **THE PRISON, CRIMINOLOGY, AND THE RISE AND DEMISE OF REHABILITATION**
Objectives:
 - to identify the perennial perception of a need for reform in corrections
 - to identify linkages between the growth in use of imprisonment and the emergence of criminology, and the idea of rehabilitation, in the nineteenth century
 - to discuss academic and political factors underlying the late 20th century demise of rehabilitation
 - to examine the rise of community corrections and the genesis of critical criminological analyses of correctional issues
 - to introduce the concept of ‘net-widening’ and its problematic aspects

Reading: “Imprisonment, Alternatives, and Penalty,” (pp. 3-9), “The Prison, Criminology, and Rehabilitation,” (pp. 10-22), and “The Evolution and Assumptions of Critical Literature on Community Corrections,” (pp. 23-44) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform**. Toronto: University of Toronto Press. 1992.

October 8 Carleton University Day – undergraduate classes suspended

October 13 – Wednesday ESSAY DUE DATE – ESSAYS SHOULD BE DEPOSITED IN THE ‘DROP BOX’ AT THE DEPARTMENT OF LAW, C473 LOEB.

5. Oct 15 REFORMING PUNISHMENT AND SENTENCING: VISITING GUEST SPEAKER - CRAIG JONES, EXECUTIVE DIRECTOR, JOHN HOWARD SOCIETY OF CANADA

Craig Jones will provide his reflections on prisons and correctional reform in Canada, and will address current issues. Students are asked to prepare questions for the ‘question and answer’ segment of the presentation. Toward this end you are encourage to consult the website www.johnhoward.ca

Objectives: - to illustrate current issues in penal reform

Readings: Michael Jackson and Graham Stewart “*A Flawed Compass: A Human Rights Analysis of the Roadmap to Strengthening Public Safety*,” Kingston: John Howard Society of Canada. September 2009. This report can be accessed online by going to www.justicebehindthewalls.net and clicking on ‘news.’ More generally this website is presented by Professor Michael Jackson of the University of British Columbia and addresses many issues concerning prisoners’ rights and prison reform in Canada.

“Correctional Renewal Without the Frills: The Politics of ‘Get Tough’ Punishment in Ontario,” (pp. 105-121) by Dawn Moore and Kelly Hannah-Moffat in Joe Hermer and Janet Mosher (Editors) **Disorderly People: Law and the Politics of Exclusion in Ontario**. Toronto: Fernwood. 2002. Available in the coursepack and also on reserve at the library.

“Reflections on ‘Con Game,” by Dan Gardner, **Canadian Journal of Criminology**, 44/4:475-489. 2002. Available in the coursepack and also on reserve at the library.

6. Oct 22 WOMEN AND PENAL REFORM

We will watch **TWICE CONDEMNED** - a movie concerning the Prison for Women in Kingston, Ontario. Dir. Dagmar Teufel. Distributed by the National Film Board of Canada, 1994.

Reading: You should review McMahon, Maeve “Assisting Female Offenders: Art or Science” (full citation is in the readings for lecture #2).

Arbour, Commissioner Louise **Commission of Inquiry into Certain Events at the Prison for Women**. Ottawa: Public Works and Government Services Canada. 1996. You can access the report online by going to the website www.justicebehindthewalls.net and clicking on ‘resources.’

7. Oct 29 **CONTROL AS ENTERPRISE: REFLECTIONS ON THE REVIVAL OF PRIVATIZATION IN CORRECTIONS**

- Objectives:**
- to introduce the notion of 'punishment for profit' and to raise questions about the ethics of such practices
 - to examine various forms of entrepreneurship which have recently been evident both in corrections and in criminal justice more generally
 - to historically review the evolution of privatization in corrections and criminal justice during the latter half of the twentieth century

Readings: "Control as Enterprise: Some Recent Developments in Privatization and Criminal Justice," (pp. 109-128) by Maeve W. McMahon in Steve Easton (Editor) **Privatizing Correctional Institutions**. Vancouver: The Fraser Institute. 1998. Available in the coursepack and also on reserve at the library.

You should review "Correctional Renewal Without the Frills" by Dawn Moore and Kelly Hannah-Moffat (full citation in readings for lecture #5).

8. Nov 5 **FIELD TRIP TO THE OTTAWA JAIL AT 75 NICHOLAS STREET**

AT THE FIRST CLASS WE WILL DISCUSS IF STUDENTS ARE INTERESTED IN HAVING A SPECIAL TOUR OF THE 19TH CENTURY OTTAWA JAIL (NOW A HOSTEL). IF WE DO TAKE THE TOUR IT WILL START AT 12.30PM AND LAST AN HOUR (WHICH WILL GIVE STUDENTS PLENTY OF TIME TO GET TO AND FROM CARLETON UNIVERSITY AS NECESSARY).

IF WE DO TAKE THE TOUR STUDENTS SHOULD DO THE READING FOR LECTURE 8 (SEE BELOW) AND THE MATERIAL WILL BE COVERED IN LECTURES 9 AND 10.

PROBLEMATIC ASPECTS OF THE DECARCERATION LITERATURE AND REINSTITUTIONALIZATION IN ONTARIO AFTER WORLD WAR II

- Objectives:**
- to examine literature from the late 1970s and early 1980s concerning decarceration and 'net-widening'
 - to identify empirical and political limitations of the critical literature
 - to examine discourses and practices concerning imprisonment and alternatives in Ontario after the second World War
 - to document the proportionately decreasing use of imprisonment in Ontario after the second World War

Reading: "Problematic Aspects of the Decarceration Literature," (pp. 45-76) and "Decarceration in Postwar Ontario," (pp. 77-103) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform**. Toronto: University of Toronto Press. 1992.

9. Nov 12 **EXPLAINING DECARCERATION IN ONTARIO**

- Objectives:**
- to examine trends in the use of prison and probation
 - to analyze the significance of fine defaults for imprisonment rates
 - to examine the situation of drunkenness offenders in Ontario after the second World War

Reading: "Explaining Decarceration: Trends in Probation and Community Corrections," (pp. 104-124), "Explaining Decarceration: Fines and Fine Defaults," (pp. 125-141), and "Drunkenness Offenders and the Revolving Door," (pp. 142-169) in Maeve W. McMahon **The Persistent Prison?**

Rethinking Decarceration and Penal Reform. Toronto: University of Toronto Press. 1992.

- 10. Nov 19 THE ORIGINS AND ACCOMPLISHMENTS OF COMMUNITY CORRECTIONS IN ONTARIO**
Objectives:
- *to identify and explain the significance of 1) prison overcrowding, and 2) changing provincial fiscal policies with respect to the accelerated growth of community corrections in the 1970s*
 - *to discuss official discourses about community corrections and to elucidate how these discourses, and related practices, have historically served the interests of the ministry of corrections and its officials*
- Reading:* “The Origins and Accomplishments of Community Corrections in Ontario,” (pp.170-187) in Maeve W. McMahon **The Persistent Prison? Rethinking Decarceration and Penal Reform**. Toronto: University of Toronto Press. 1992.
- 11. Nov 26 THE SITUATION OF WOMEN WORKING IN CORRECTIONS: A CONTEMPORARY HISTORY**
Objectives:
- *to provide a history of women working in prisons for men in Canada*
 - *to provide some observations on female offenders and female correctional workers in international perspective*
- Readings:* “Women Working in Corrections and in Prisons for Men,” (pp.3-15) and “A History of Women Working in Corrections and Prisons for Men,” (pp. 16-27) in **Women on Guard: Discrimination and Harassment in Corrections**. by Maeve W. McMahon. Toronto: University of Toronto Press. 1999.
- 12. DEC 3 PRE-EXAMINATION REVIEW OF COURSE CONTENT AND MATERIALS**
Objective:
- *to review key points of course materials thus far, and so to assist students in preparing for the examination*
- Reading:* Students should be reviewing all course materials.

There will be a final examination of 2 hours duration during the formal examination period (December 9-22, including Saturdays). Closed book. 50% The examination will consist of multiple choice (20%); True/False and short answers (20%), and an essay (10%).

More information about the examination will be provided in class.
